

The Honorable _____

04-CV-00957-CMP

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALBERTSON'S, INC., a Delaware corporation,

Plaintiff,

v.

UNITED PARCEL SERVICE, INC., an Ohio
corporation;

Defendant.

NO. **C04-957L**
COMPLAINT FOR CONVERSION

Plaintiff Albertson's, Inc., by its attorneys Ryan, Swanson & Cleveland, PLLC,
complains and alleges as follows:

PARTIES

1. Albertson's, Inc. is a Delaware corporation doing business in King County,
Washington.

2. United Parcel Service, Inc. is an Ohio corporation doing business in King County,
Washington.

JURISDICTION AND VENUE

3. Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1332 because of the
diversity of the parties and because the amount in controversy exceeds \$75,000.

ORIGINAL

COMPLAINT FOR CONVERSION - 1

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1 4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because defendant is
2 subject to personal jurisdiction in this district.

3 **FACTS**

4 5. Plaintiff Albertson's, Inc. ("Albertson's") operates a distribution center in
5 Portland, Oregon.

6 6. At this distribution center, Albertson's had ten boxes containing manufacturers'
7 "cents off" coupons worth \$132,587.02.

8 7. Each of the ten boxes had a large bright orange label on the outside, designating
9 pick-up by Jet Delivery Service and delivery to Carolina Services in Del Rio Texas. The address
10 for Carolina Services is in large letters. The Bill of Lading is for Jet Delivery Service to finish
11 filling out and leave at the shipping office.

12 8. Defendant UPS wrongfully took the ten boxes of coupons from the Albertson's
13 distribution center on October 16, 2003.

14 9. Albertson's never authorized UPS to take the boxes.

15 10. Despite Albertson's numerous demands, UPS has not returned the boxes to
16 Albertson's nor has it delivered them to Carolina Services.

17 **CONVERSION**

18 11. UPS committed conversion by wrongfully taking and misappropriating
19 Albertson's boxes, which contained coupons worth \$132,587.02.

20 12. Albertson's is entitled to a judgment against UPS for the value of the converted
21 property, along with prejudgment interest at the statutory rate from the date of the conversion.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, having made the above allegations, plaintiff prays for relief as follows:

24 1. Judgment against UPS for damages of \$132,587.02, which is the value of the
25 property UPS took from Albertson's, together with statutory interest thereon from the date UPS
26 took the boxes;

1 2. For judgment against UPS for plaintiff's costs and attorneys' fees incurred in this
2 action as are allowable by law; and

3 3. For such other and further relief as the court may deem just and equitable.

4
5 DATED this 27th day of April, 2004.

6 RYAN, SWANSON & CLEVELAND, PLLC

7
8 By 

9 Roger J. Kindley, WSBA #11875
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11 Attorneys for Plaintiff

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